IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2703 OF 2006

Harilal Feku Gupta ..Petitioner.

Vs.

Ganesh Feku Gupta & anr. ..Respondents.

...

Mr. H.S. Thakkar for the Petitioner.
Mr. T.N. Tripathi for the Respondents.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

11th July, 2006.

P.C. :

The Petitioner moved an application for amendment of the written statement before the competent authority appointed under the Maharashtra Rent Control Act. The application for amendment was allowed on 8th June, 2004 and the Petitioner was directed to amend the written statement on or before the next date. On 17th June, 2004 which was the next date of hearing, the Petitioner filed an application for extension of time to carry out the amendment, since in the meantime, he had been out of station. That application for extension of time to carry out the amendment to the written statement was dismissed by the impugned order dated 17th June, 2004.

In my view, since the Petitioner's application for amending the written statement has already been allowed, there was no reason why the formal extension of time to carry out the ministerial act of amendment to the written statement should not have been allowed. In the circumstances, the impugned order dated 17th June, 2004 is quashed and set aside. The Petitioner is directed to carry out the amendment to the written statement within a period of two weeks from today. The Petition is disposed of.